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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PHAN, HANH

ART UNIT

PAPER NUMBER

2633

DATE MAILED: 01/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/454,164

Applicant(s)

MUNROE ET AL.

Examiner

Hanh Phan

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 14-17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 5-10, 14-17, 19, 20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 10/17/2003.
2. The indicated allowability of claims 5-10, 14-17 and 22-25 is withdrawn in view of the newly discovered reference(s) to Mossberg et al (US Patent No. 6,314,220) and Huber (US Patent No. 5,701,186). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "**the first level multiplexing station**" in lines 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-10, 14-17 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mossberg et al (US Patent No. 6,314,220) in view of Huber (US Patent No. 5,701,186).

Regarding claim 5, 16 and 23, referring to Figure 1, Mossberg teaches a central station for an optical network, comprising:

a transmitter (10, 15a, 16a, Fig. 1) coupled to produce an optical data signal from an electrical data signal (col. 3, lines 34-67, col. 4, lines 1-27); and

an encoder (15c, 16c, 19, 20)(Fig. 1) coupled to apply a composite code to the optical data signal, the composite code having a first code (15 e) and a second code (16e), wherein the first code (15e) is to identify a first station (15j) and the second code (16e) is to identify a second station (16j) (Fig. 1).

Mossberg differs from claims 5, 16 and 23 in that he fails to teach the second station is coupled to receive a decoded output signal from the first station. However, Huber teaches the second station is coupled to receive a decoded output signal from the first station (Figs. 9 and 10, col. 14, lines 6-67, col. 15, lines 1-67 and col. 16, lines 1-12). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to incorporate the second station is coupled to receive a decoded output signal from the first station as taught by Huber in the system of Mossberg. One of ordinary skill in the art would have been motivated to do this since Huber suggests in column 14, lines 6-67, col. 15, lines 1-67 and col. 16, lines 1-12 that using such the second station is coupled to receive a decoded output signal from the first station have

advantage of allowing sending data to user stations and to send an address with a signal to identify where the signal is to be sent.

Regarding claims 6, 17 and 24, Mossberg further teaches wherein the composite code to be applied by the encoder is a temporal code (Fig. 1, col. 2, lines 53-58).

Regarding claims 7 and 25, Mossberg further teaches wherein the composite code is an address code designate an intended destination for data defined by the electrical data signal (Fig. 1).

Regarding claim 8, the combination of Mossberg and Huber teaches a multiplexing station for an optical network, comprising:

a temporal address decoder coupled to receive a signal containing data coded according to a first downstream address code and a second downstream address code and to strip the first and second downstream address codes from the signal, wherein the first downstream address code is to designate a first destination and the second downstream address code is to designate a second destination, the second destination to receive the stripped signal from the first destination after the signal is stripped of the first downstream address code by the first destination (Fig. 1 of Mossberg and Figs. 9 and 10 of Huber).

Regarding claim 9, the combination of Mossberg and Huber teaches wherein the temporal address decoder is to strip an optical code from the signal (Fig. 1 of Mossberg and Figs. 9 and 10 of Huber).

Regarding claims 10 and 22, Mossberg further teaches wherein the optical code is a composite code (Fig. 1).

Regarding claim 14, the combination of Mossberg and Huber teaches wherein the temporal address decoder comprises at least one fiber Bragg grating coupled to strip the code (Fig. 1 of Mossberg and Figs. 9 and 10 of Huber).

Regarding claim 15, the combination of Mossberg and Huber teaches wherein further comprising an optical circulator coupled to direct the signal to at least one fiber Bragg grating (Fig. 1 of Mossberg and Figs. 9 and 10 of Huber).

Response to Arguments


7. Applicant's arguments with respect to claims 5-10, 14-17, 19, 20 and 22-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (703)306-5840.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703)305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.


Hanh Phan
01/09/04